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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 20.01.2016

W.P.(CRL) 20/2016

KEHAR SINGH

..... Petitioner

Through: Mr. Sumeet Verma and Mr. Amit
Kala, Advocates

versus

STATE

..... Respondent

Through: Mr. Jamal Akhtar, Advocate for Mr.
Rahul Mehra, Standing Counsel
(Criminal) with SI Bhawani, PS-
Paschim Vihar

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India praying for a direction to the official respondent to release the petitioner on parole on the medical ground of his aged father who is a patient of throat cancer and his wife who suffers from kidney stone.

2. The petitioner is aggrieved by the order dated 15.09.2015 whereby his representation for parole on the above ground was rejected by the competent authority for the following reasons:-

“.....**rejected** in view of adverse police report which stated that the possibility of jumping the parole and committing similar offences by the convict either himself or by engaging in gang activity cannot be ruled out.

As per record convict has last availed one month parole up to 08.11.2014 by the order of GNCTD and thereafter he is getting furlough after regular interval. Further, in this year (2015) convict has availed 06 weeks furlough including last availed 02 weeks furlough up to 28.05.2015 by the order of DG (P).

The convict may be informed accordingly.”

3. The grounds stated by the Competent Authority whilst rejecting the petitioner’s representation for grant of parole on the above stated grounds can be addressed by imposing stringent conditions.

4. A perusal of the nominal roll qua the petitioner reveals that he has already undergone incarceration of over twelve years and ten and half months out of the total sentence of life imprisonment awarded to him. It further reveals that the overall conduct of the petitioner has been satisfactory in jail save and except for a single blemish which attracted punishment from the competent authority by way of order dated 17.08.2010.

5. In the present case, it is observed that the petitioner was enlarged on parole/furlough on previous occasions as well and is not stated to have misused the liberty granted to him.

6. It is trite to state that a person in long incarceration is entitled to be released on parole for a month in a year to re-establish social ties and for physical and mental well being.

7. In view of the foregoing, I see no impediment in granting parole to the petitioner. The petitioner is directed to be released on parole for a period of four weeks from the date of his release subject to his furnishing a personal bond in the sum of Rs.5,000/- (Rupees Five Thousand) with one surety of the like amount to the satisfaction of the Superintendent, Central Jail, Tihar subject to the following conditions:-

- (i) During the period the petitioner remains out on parole, he shall report to the SHO, Police Station- Paschim Vihar, Delhi, once a week on every Friday.
- (ii) The petitioner shall also provide the SHO, Police Station- Paschim Vihar, Delhi with his mobile telephone number which he undertakes to keep operational.
- (iii) The petitioner shall not leave the National Capital Territory of Delhi during the period of parole, without the prior permission of this Court.
- (iv) The petitioner is directed to surrender before the jail authorities at the expiry of the period of parole.

8. The writ petition is allowed and disposed of accordingly.
9. A copy of this order be sent to the Superintendent, Central Jail, Tihar for necessary compliance and communication of the same to the petitioner.

SIDDHARTH MRIDUL, J

JANUARY 20, 2016

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